

**REMARKS**

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to the entry of this response, Claims 1-5, 9, and 11-20 were pending in this application, of which Claims 1, 15, and 18 are independent. In the Final Office Action dated February 3, 2009, Claims 1-5, 9, and 11-20 were rejected under 35 U.S.C. §103(a). Following this response, Claims 1-5, 9, and 11-20 remain in this application. Applicants hereby address the Examiner's rejections in turn.

I. Rejection of Claims 1-5, 9, and 11-20 Under U.S.C. § 103(a)

In the Final Office Action, the Examiner rejected Claims 1-5, 9, and 11-20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,365,461 ("*Stein*") in view of "Tracking Menus" by George Fitzmaurice, et al. ("*Fitzmaurice*"), further in view of "Wacom Intuos TM User's Manual for Windows" ("*Wacom*"), and further in view of U.S. Patent No. 5,133,076 ("*Hawkins*"). Applicants respectfully traverse the rejections.

Claim 1 is patentably distinguishable over the cited art for at least the reason that it recites, for example, "latching the selection-based input device, in response to receiving the selection of the pen-based input mode button from the selection-based input device, and actuating the pen-based input mode for the selection -based input device; while the pen-based input mode is actuated for the selection-based input device, detecting a pen-based input from the pen-based input device; and unlatching the selection-based input device, in response to detecting the pen-based input from the

pen-based input device, and actuating the pen-based input mode for the pen-based input device”. Claims 15 and 18 each include a similar recitation.

In contrast, and as stated by the Examiner, *Stein* as modified by *Fitzmaurice* does not disclose utilizing a selection-based input device in a pen-based mode. (See Office Action, page 4.)

Furthermore, *Hawkins* does not overcome *Stein's* and *Fitzmaurice's* deficiencies. For example, *Hawkins* merely discloses that an electric stylus may be used with the screen to enter data into the computer through handwriting recognition, through form selection, or via a keyboard emulated by a portion of the screen itself and operated by the stylus. (See col. 1, line 65 - col. 2, line 2.) In *Hawkins*, the stylus emulates a mouse when used to interact with an application program graphics and is used to enter keystroke data by touching the display on the bottom segment. (See col. 9, lines 49-53.) The Examiner states that *Hawkins* teaches latching the selection-based input device so that the selection-based input device behaves as a pen-based input device at col. 3, lines 31-39 and lines 45-47. (See Office Action, page 8, lines 5-8.) However, that section of *Hawkins* merely discloses the hardware description of a computer having a display and a stylus. (See col. 3, lines 31-47.) Nowhere does *Hawkins* disclose even the presence of a separate selection-based input device, nor does *Hawkins* disclose latching such a selection-based input device for use as a pen style input device. Rather, *Hawkins* merely discloses a stylus operative as an interactive pointer interface. Furthermore, *Wacom* does not overcome *Stein's*, *Hawkins'* and *Fitzmaurice's* deficiencies. MPEP § 2143.01 states that obviousness can only be established by

combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *Wacom* merely discloses a tablet based system for receiving input from a particular input device interacting with the tablet. A pen may be used as one input device in either “pen mode” or “mouse mode”. (See p. 33). *Wacom* further discloses a mouse as an alternative input device to interact with the tablet. The mouse may be used as one input device in either “pen mode” or “mouse mode”. (See p. 44). However, counter to Examiner’s assertions on p. 5 of the final Office Action, *Wacom* does not teach “utilizing a plurality of input devices concurrently”. While the tablet in *Wacom* is capable of receiving input from either a pen or a mouse, *Wacom* is only capable of receiving input from whichever input device has been specified as active by a detection of that device’s presence on the tablet. (See p. 89) In fact, *Wacom* teaches that a user should not have more than one input device near the tablet as the devices will interfere with one another. (See p. 42).

In *Wacom*, there is no teaching or suggestion to utilizing a plurality of input devices concurrently, rather *Wacom* discloses that a user should not have more than one input device near the tablet as the devices will interfere with one another. As a result, *Wacom* teaches away from automatic switching between available user input devices as allegedly taught by *Stien*. Applicants respectfully submit that there is no teaching in the cited prior art to combine the references as required by MPEP § 2143.01. Therefore, *Stein*, *Hawkins*, *Wacom*, and *Fitzmaurice* cannot be properly

combined to teach or suggest “latching the selection-based input device, in response to receiving the selection of the pen-based input mode button from the selection-based input device, and actuating the pen-based input mode for the selection -based input device; while the pen-based input mode is actuated for the selection-based input device, detecting a pen-based input from the pen-based input device; and unlatching the selection-based input device, in response to detecting the pen-based input from the pen-based input device, and actuating the pen-based input mode for the pen-based input device”, as recited in Claim 1. Accordingly, independent Claim 1 patentably distinguishes the present invention over the cited art. Claims 15 and 18 each include similar recitations. Accordingly, independent Claims 1, 15, and 18 each patentably distinguishes the present invention over the cited art, and Applicants respectfully request withdrawal of these rejections of Claims 1, 15, and 18.

Dependant Claims 2-5, 9, 11-14, 16-17 and 19-20 are also allowable at least for the reasons described above regarding independent Claims 1, 15, and 18, and by virtue of their dependency upon independent Claims 1, 15, and 18. Accordingly, Applicants respectfully request withdrawal of these rejections of dependent Claims 1-5, 9, and 11-20.

## II. Conclusion

Applicants respectfully request that this Amendment After Final be entered by the Examiner, placing the claims in condition for allowance. Applicants respectfully submit that the proposed amendments of the claims do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Finally, Applicants respectfully submit that the entry of the Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants respectfully submit that the claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

In view of the foregoing, Applicants respectfully submit that the pending claims, as amended, are patentable over the cited references. The preceding arguments are based only on the arguments in the Official Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Official Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability

is advanced without prejudice to other bases of patentability. Furthermore, the Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Final Office Action.

Please grant any extensions of time required to enter this amendment and charge any additional required fees to our Deposit Account No. 13-2725.

Respectfully submitted,

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